

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

KEITH SMITH, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 03 C 9110
	)	
NIKE RETAIL SERVICES, INC., etc.,	)	
	)	
Defendant.	)	

MEMORANDUM ORDER

In conjunction with the Claims Review that has been conducted pursuant to the settlement of this action, the Consent Decree provides in part that a Niketown Chicago employee's late-submitted Claim Form does not make him or her eligible to participate in the award to the employee class members unless this Court determines that the reason for such late submission constitutes excusable neglect. Plaintiffs' counsel has inquired as to the status of the late Claim Forms received from Olumide Oluduro, Frank Selby, Louia Augusta and Jasson Rayford. Only the first two of those claimants have responded to counsel's inquiry with an explanation for the delay, and this Court finds that in each instance the explanation constitutes excusable neglect, so that they may participate in the award. With the last two claimants having provided no explanation, they are ineligible to participate.

Class counsel have also advised that each of Reginald Bailey, Malcolm Brogsdale, George Jones, Anthony Sullivan and

Annetta Walker has submitted a timely Claim Form that appears to make the claimant ineligible to participate in the Settlement Fund because Nike's personnel records do not reflect that they were employees of Niketown Chicago during the class liability period. This Court confirms those nonparticipation decisions.

A handwritten signature in black ink, reading "Milton I. Shadur". The signature is written in a cursive, flowing style. The first name "Milton" is written with a large, stylized 'M'. The last name "Shadur" is written with a large, stylized 'S'.

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Milton I. Shadur  
Senior United States District Judge

Date: March 13, 2008